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January 28, 2020

By ECF

The Honorable Roanne L. Mann
Chief United States Magistrate Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Tess v. City, et al., 18 CV 6542 (KAM)(RLM)

Your Honor:

I represent plaintiff in this matter. I write, with the consent of defendants, to request that the Court extend fact discovery from February 7, 2020 to April 7. This is the second request for an extension.

Although the parties have diligently litigated, this extension is necessitated by delays in the procurement of certain documents related to the excessive detention claim, the unusual large number of depositions required, and significant life events in the lives of the attorneys.¹

To date, depositions of the plaintiff and three of the four officers on the scene of plaintiff's arrest have occurred. The depositions of the remaining officer on the scene and a 30(b)(6) witness are scheduled to occur within the next ten days. Plaintiff has posed, and defendants have provided responses, to three sets of discovery demands. Additionally, Plaintiff has engaged an expert and provided defendants with an expert report.

¹ Plaintiff's attorney's father passed away earlier this month and defense counsel recently became a father.

Remaining discovery centers around plaintiff's claim that the delay in his arraignment was constitutionally excessive. This claim will require approximately twenty depositions. The parties are hopeful that the 30(b)(6) witness will distill issues and thus shorten each deposition. The parties anticipate that multiple depositions can be held in a day.

I thank the Court for considering this request.

/s
Robert Marinelli, Esq.
Attorney for Plaintiff

Cc: ACC James Jimenez, via ECF